IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1223 OF 2004.

Sou.Malati Madhukar Bhoi. ... Petitioner.
Versus.
State of Maharashtra. ... Respondent.

Mrs.Pranali Kakade, Advocate (appointed) for the Petitioner.

Ms.M.M.Deshmukh, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 14th July, 2005.

P.C.:

1. Grievance in the petition received through Jail is as regards denial of parol leave to the Petitioner's husband. Parol leave was denied to him on the basis of the Police report dated 6th October 2004. The parol leave was sought on the ground that his wife was seriously ill. The Police report discloses that the wife was not seriously ill and she could not furnish any evidence regarding her illness. Under Rule 19 of the Prisons (Bombay Furlough and Parole) Rules, 1959, serious illness, or death of a close relative is a ground for grant of parol leave. There is no reason to disbelieve the Police report which states that there is nothing to show that the wife was suffering from any serious illness. Therefore, no fault can be found in the action of denying parol leave to the Petitioner's husband.

2. It must be observed here that if the application is made by the prisoner for parol leave on the ground of serious illness of close relative, it was expected that the application will be considered as expeditiously as possible as in a given case the very object of filing of application for parol leave will be frustrated due to delay in consideration of the application. In the present case even assuming that the communication was received on 27th July 2004 from the Jail Authorities regarding application made by the Petitioner for parol leave, the Police report is submitted after gap of more than two months. This aspect needs to be brought to the notice of the concerned authority. The Authority must ensure expeditious disposal of such Parol Applications.

3. Petition is devoid of any merit and the same is rejected.

Judge.